THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13588 of 2007

Dated:02.07.2007

Between:

V.Sita Mahalakshmi.

…PETITIONER

and

The Mandal Revenue Officer, Bheemunipatnam Mandal, Visakhapatnam District, and others.

…RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13588 of 2007

ORDER:

The petitioner is an octogenarian lady seeking a writ of Mandamus declaring the action of first respondent, namely, the Mandal Revenue Officer (MRO), Bheemunipatnam Mandal, in granting pattadar passbook (PPB) to third respondent as illegal and arbitrary. She also seeks a consequential direction to respondents 1 and 2 to cancel said PPB passbook.

The petitioner alleges that her husband late Buchaiah executed a registered Will bearing document No.39/1954 bequeathing all his properties to her and her children and that in a family partition in 1993, she got an extent of Acs.4.00 comprised in survey No.17/1 situated at Kallivanipalem, H/o Kapuluppada Village, Bheemunipatnam Taluk, and is in possession of the land. It is alleged that third respondent, who is none other than second son of the petitioner, approached first respondent for PPB under the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity) and considering the same first respondent issued PPB to him without following due process of law and without issuing notice to the petitioner as required under the Andhra Pradesh Rights in Land & Pattadar Pass Books Rules, 1989 (the Rules, for brevity). The petitioner alleges that though she approached first respondent for a copy of the order granting PPB to third respondent, the same has not been given and everything is

kept secret. Therefore, she is before this Court.

After hearing the learned counsel for the petitioner, this Court is not inclined to accept the writ petition. The petitioner alleges that first respondent without following due process of law issued PPB to third respondent, who is interfering with her possession embolden by PPB. If there is interference with her possession, the remedy is to file a suit for injunction. Secondly unless and until a copy of the order granting PPB to third respondent is annexed to the writ petition, this Court cannot go into the validity or otherwise of the same. Thirdly even if first respondent, altering/amending the entries in the record of rights, issued fresh PPB in favour of third respondent, such an order is appealable under Section 5(5) of the Act. It is open to the petitioner to do so after obtaining a copy of such order.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

02th July, 2007
ghn